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APPEARANCES:

ON BEHALF OF PLAINTIFF

Mr. Christopher Laber
Attorney at Law
22 W. Ninth Street
Cincinnati, Ohio 45202

ON BEHALF OF DEFENDANTS

Mr. James E. Schwantes
Attorney at Law
Law Offices of William H. Blessing
119 E. Court Street, Suite 500
Cincinnati, Ohio 45202

ALSO PRESENT:

Mr. Pete Bigelow

* * * * *

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1 WHEREUPON:

2 SHIRDENIA BRYANT,
3 of lawful age, a witness herein, being first
4 duly sworn as hereinafter certified, was
5 examined and deposed as follows:

6 CROSS EXAMINATION

7 BY MR. LABER:

8 Q. Mrs. Bryant, my name is Chris Laber
9 and I represent Pete Bigelow in a lawsuit
10 between him and Mark and Michael Burbrink, and
11 I thank you for coming down today for your
12 deposition without the burden of a subpoena.
13 Would you state your name and address.

14 A. Shirdenia Bryant, 1107 Laidlaw
15 Avenue.

16 Q. And you want to spell your first
17 name.

18 A. S-H-I-R-D-E-N-I-A.

19 Q. Shirdenia, have you ever had your
20 deposition taken before?

21 A. No.

22 Q. What I'm going to do is just ask you
23 some questions and what I expect from you is
24 just an answer. If you don't understand the
25 question that I'm asking or you don't

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1 understand what I'm trying to do in asking a
2 question, tell me to repeat it or you don't
3 understand and I'll be glad to repeat.

4 It's helpful to answer the
5 question if you say yes or no so the court
6 reporter can take it down. It's difficult for
7 her to spell uh-huh and huh-uh and for us to
8 read it later on. If at any time you need to
9 take a break for any reason, just let me know
10 and we'll stop and you can take a break and
11 we'll come back when you are ready. Are you
12 currently employed, Ms. Bryant?

13 A. No.

14 Q. When was the last time that you
15 worked?

16 A. October 2, 2001.

17 Q. And what's your normal occupation?

18 A. Certified nurse's aide.

19 Q. And you are not working now as a
20 CNA?

21 A. Yes.

22 Q. Is that what you were doing back in
23 October, your last job?

24 A. I was working as unit clerk at the
25 nursing home.

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1 Q. You are going to have to speak up a
2 little louder.

3 A. An unit clerk.

4 Q. At a nursing home?

5 A. Yes.

6 Q. And how is that different than a
7 CNA?

8 A. The unit clerk makes transportation
9 arrangements for the patients to go to the
10 doctors and they put calls out to the nurses,
11 for the nurses.

12 Q. It's more clerical job than physical
13 hands-on job?

14 A. Yes.

15 Q. What nursing home did you work
16 for?

17 A. Montgomery Care Center.

18 Q. And how was that job terminated?

19 A. They wanted to move me back on the
20 floor as a CNA.

21 Q. So you just voluntarily left at that
22 point?

23 A. No, I can't do nurse's aide work.

24 Q. Physically unable at this point?

25 A. Yes.

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1 Q. How old are you?

2 A. 54.

3 Q. And how long had you worked for
4 Montgomery Care Center?

5 A. 12 years.

6 Q. Was that consistent for the last 12
7 years?

8 A. Yes.

9 Q. And when you left there in October,
10 I didn't understand, did you leave voluntarily
11 or did they tell you you had to leave?

12 A. They didn't have a position for me
13 to go into so with me not being able to do
14 nurse's aide work, there was no other jobs that
15 I could do with the restrictions that I have.

16 Q. Physical restrictions?

17 A. Yes.

18 Q. Are you represented by an attorney
19 at this point in time?

20 A. Yes.

21 Q. And who would that be?

22 A. Bill Blessing.

23 Q. And with respect to what does Mr.
24 Blessing represent you?

25 A. A legal matter that was discussed.

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1 Q. I'm sorry, I'm still having trouble
2 hearing you over here. I know --

3 A. It was a legal problem that I had.

4 Q. And what was that?

5 MR. SCHWANTES: I don't think,
6 I'm going to interrupt if we are getting into
7 discussions she had with Mr. Blessing as far as
8 attorney/client conversations.

9 MR. LABER: Yes, sir, I'm just
10 asking what subject that was.

11 MR. SCHWANTES: And I think
12 that's getting into discussions she had with
13 her attorney, and I'd instruct her not to
14 answer any questions about the substantive
15 things that you discuss with your attorney.

16 BY MR. LABER:

17 Q. Does this gentleman represent you?

18 A. Yes.

19 Q. Does he represent you in anything
20 that has to do with Mr. Bigelow?

21 MR. SCHWANTES: Again, I'm going
22 to advise her not to answer if you are going to
23 get into anything that you've discussed with
24 your attorney, be it Mr. Blessing or myself,
25 regarding any substantive matter.

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1 MR. LABER: I'm not asking for
2 substantive, I'm asking for what he's
3 representing her for.

4 MR. SCHWANTES: I think that's
5 getting into the substantive of the
6 conversations that she's having with her
7 attorney and I object on the basis of
8 attorney/client privilege.

9 BY MR. LABER:

10 Q. When did you retain Mr. Blessing to
11 represent you?

12 MR. SCHWANTES: You can answer
13 as to when.

14 THE WITNESS: I'm trying to
15 think --

16 BY MR. LABER:

17 Q. I can't hear a word that you are
18 saying.

19 A. I'm trying to think of the month it
20 was. I forget the month it was. It was this
21 year. I can't remember exactly what month.

22 Q. Would it have been in the early part
23 of the year?

24 A. Are you saying around January or
25 sometime or another?

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1 Q. Would it have been within the last
2 six months or first six months of the year?

3 A. I can't exactly remember.

4 Q. Would it have been during the
5 summer?

6 A. Possible.

7 Q. Do you recall how you came about
8 learning about Mr. Blessing as an attorney?

9 A. How did I find out about him?

10 Q. Yes, ma'am. What brought you to Mr.
11 Blessing, did you read an ad in the yellow
12 pages, a letter in the mail, somebody call you
13 up, how did you get in contact with Mr.
14 Blessing to represent you?

15 A. I received a letter.

16 Q. You received a letter and was Mr.
17 Blessing your attorney at the time that you
18 received that letter?

19 A. Yes.

20 Q. So you engaged Mr. Blessing before
21 you received that letter?

22 A. No.

23 Q. So he wasn't your attorney at the
24 time that you received that letter?

25 A. No.

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1 Q. What did that letter say?

2 A. I cannot remember.

3 Q. What was the topic of that letter?

4 MR. SCHWANTES: I think you are
5 going to have to be more, a little more
6 specific on what type of letter are you getting
7 at?

8 BY MR. LABER:

9 Q. What was the topic of the letter?

10 MR. SCHWANTES: And I'm going to
11 advise the witness that if she's getting into
12 anything regarding representation, that those
13 matters are privileged and that you should not
14 discuss any letters you've had from Mr.
15 Blessing regarding representation or
16 substantive matters.

17 BY MR. LABER:

18 Q. The question deals with the letter
19 she received prior to the representation, what
20 was the subject of that letter.

21 A. To be honest and truthful, I do not
22 remember.

23 Q. Did it have to do with, do you want
24 to buy a house on the beach, did it have to be
25 do with a problem that you had with Mr.

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1 Bigelow?

2 A. I don't remember.

3 Q. Nothing at all you remember about
4 that letter?

5 A. I don't remember what the letter was
6 stating. I have enough trouble trying to
7 remember what you are saying because it's not
8 making too much sense. So I have to scoot up a
9 little closer.

10 Q. I'm sorry, the question was, what
11 was the subject matter or the topic of the
12 letter? What about that question do you not
13 understand, Ms. Bryant?

14 MR. SCHWANTES: I think that
15 question has been asked and answered. And if
16 your answer is any different say so, if not, I
17 think that you have, that question has been
18 asked and you've answered it.

19 THE WITNESS: I don't remember.

20 BY MR. LABER:

21 Q. Did you attend a meeting with other
22 people at Mr. Blessing's, do you know Mr.
23 Hopkins?

24 A. No.

25 Q. An attorney Rick Hopkins?

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1 A. No.

2 Q. Did you ever receive a letter from
3 an attorney by the name of Rick Hopkins?

4 A. His name don't sound familiar.

5 Q. So Rick Hopkins doesn't represent
6 you?

7 A. No.

8 MR. SCHWANTES: She's answered
9 that she doesn't know Rick Hopkins.

10 MR. LABER: This is going to
11 take forever in a day if you comment on every
12 question I ask.

13 MR. SCHWANTES: If a privileged
14 question is asked I'm going to instruct her.
15 It's badgering a little bit when you ask her
16 the same question when she says she doesn't
17 know somebody and the question is did you
18 receive a letter, I think that's badgering her
19 a little bit and I'll object to that.

20 BY MR. LABER:

21 Q. I guess we are going to have to slow
22 this down a little bit, Ms. Bryant, have you
23 ever attended a meeting as a result of a letter
24 you received from Mr. Blessing say back in
25 April of this year?

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1 A. Yes.

2 Q. And were there other people there
3 who attended that meeting who received a
4 similar letter from Mr. Blessing?

5 A. No.

6 Q. Was it just you at that meeting?

7 A. Yes.

8 Q. And that was as a result of a letter
9 that Mr. Blessing had sent to you prior to him
10 becoming your attorney?

11 A. Yes.

12 Q. And what did you talk to Mr.
13 Blessing about at that time?

14 MR. SCHWANTES: And I'm going to
15 object. If you are getting into anything that,
16 at some point Mr. Blessing becomes your
17 attorney, you enter into an attorney/client
18 relationship, you cannot or you do not have to
19 answer that question.

20 BY MR. LABER:

21 Q. Go ahead.

22 A. That's lawyer/client
23 confidentiality.

24 Q. No, I'm asking what you talked about
25 before he was representing you.

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1 A. Before?

2 Q. When you responded to that letter.

3 A. Before what we talked about was the
4 letter.

5 Q. Yes, ma'am. So what was it in the
6 letter that you talked about?

7 A. That I can't reveal, that's patient,
8 that's between my lawyer and myself.

9 Q. Do you still have a copy of the
10 letter that Mr. Blessing sent you?

11 A. Probably in some papers at home.

12 Q. And Mr. Blessing would have a copy
13 of that letter, would he not?

14 A. I believe so.

15 Q. Have you ever attended a meeting
16 with people who received a similar letter from
17 Mr. Blessing?

18 A. No.

19 Q. That letter was about Mr. Bigelow,
20 was it not?

21 A. Possibly.

22 Q. Possibly?

23 MR. SCHWANTES: Again, Chris,
24 I'm going to object if you are getting close to
25 the line. I don't think we've established

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1 enough as to what letters, you know, we are
2 really talking about here. If you want to go
3 off the record --

4 MR. LABER: No, we don't.

5 MR. SCHWANTES: I can --

6 MR. LABER: I'm asking --

7 MR. SCHWANTES: I think we are
8 getting real close to a line. We haven't
9 established when she's represented by Mr.
10 Blessing and when she isn't and I'm going to
11 object to anytime it even gets close to that
12 line.

13 BY MR. LABER:

14 Q. My questions were with respect to a
15 letter she received from Mr. Blessing prior to
16 his representation and about discussions she
17 had with Mr. Blessing prior to his
18 representation, and she's telling me that she
19 doesn't have a clue as to what that letter was
20 or about that discussion, is that right?

21 A. I don't remember.

22 Q. When did you retain Mr. Blessing?

23 A. It was this year, I don't exactly
24 remember what month.

25 Q. Did you have a conversations with

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1 Mr. Blessing prior to retaining Mr. Blessing?

2 A. No.

3 Q. No?

4 A. No.

5 Q. So you retained Mr. Blessing the
6 minute you walked into his office?

7 A. What are you trying to say?

8 Q. I'm trying to get at what he sent
9 you a letter about?

10 A. I told you I do not exactly remember
11 what the letter was about.

12 Q. You are involved in a foreclosure at
13 this time, ma'am?

14 A. Yes.

15 Q. Does Mr. Blessing represent you with
16 respect to the foreclosure?

17 A. No.

18 Q. That foreclosure was filed against
19 you in maybe November?

20 A. Yes.

21 Q. November 9 of this year?

22 A. Yes.

23 Q. And Mr. Blessing doesn't represent
24 you with respect to that but with respect to
25 something else?

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1 A. Yes.

2 Q. Have you told Mr. Blessing about the
3 -- never mind, he's going to object to that.

4 MR. SCHWANTES: You withdraw
5 that part of the question?

6 MR. LABER: Yes, I do.

7 BY MR. LABER:

8 Q. The foreclosure that you are
9 involved with now indicates that you've not
10 paid your mortgage since July of this year; is
11 that correct?

12 A. I've paid it since July, it was
13 after July.

14 Q. I'm sorry, I didn't hear you?

15 A. It was after July.

16 Q. So you've not paid your mortgage
17 since after July?

18 A. No.

19 Q. That's a correct statement?

20 A. Yes.

21 Q. And this is the Laidlaw property
22 where you are living at?

23 A. Yes.

24 Q. And you were involved in a
25 foreclosure also back in 1997; is that

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1 correct?

2 A. Yes.

3 Q. Was that for the same property on
4 Laidlaw?

5 A. Yes.

6 Q. You were involved in a foreclosure
7 back in 1990; is that correct?

8 A. Yes.

9 Q. And that was also for the property
10 on Laidlaw?

11 A. '90?

12 Q. Yes, ma'am.

13 A. No.

14 Q. What property was that for?

15 A. In '90 I didn't live on Laidlaw.

16 Q. Were you involved in a foreclosure
17 back in 1990?

18 A. Yes.

19 Q. What property was that for?

20 A. It was on Regent Avenue.

21 Q. Did you lose that property in that
22 foreclosure?

23 A. No.

24 Q. Did you redeem that property?

25 A. No.

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1 Q. How was that foreclosure worked
2 out?

3 A. It wasn't a foreclosure, I sold the
4 house.

5 Q. What was that address?

6 A. I think it was 1112 Regent,
7 R-E-G-E-N-T.

8 Q. And was that your marital residence
9 when you were married?

10 A. Yes.

11 Q. And you were divorced in '87?

12 A. Yes.

13 Q. And then from that property, did you
14 move to the Laidlaw property?

15 A. No.

16 Q. What property did you move to after
17 the Regent property?

18 A. I moved in an apartment.

19 Q. When did you next move into a
20 home? Excuse me, a house that you owned?

21 A. I moved in with my parents in '95
22 when my dad died.

23 Q. Would that be the Laidlaw
24 property?

25 A. Yes.

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1 Q. You say your dad died, had your mom
2 already deceased?

3 A. No.

4 Q. So you lived there with your mom?

5 A. Yes.

6 Q. When did your mother die?

7 A. May 31, '96.

8 Q. '96?

9 A. Yes.

10 Q. Was there a mortgage on the property
11 when your mother died?

12 A. Yes.

13 Q. And did you pay on that mortgage?

14 A. Yes.

15 Q. Was that the mortgage that went into
16 foreclosure in '97?

17 A. Yes.

18 Q. Do you know Roseann Christian?

19 A. Yes.

20 Q. How did you first meet Roseann
21 Christian?

22 A. She came to my house.

23 Q. Do you know when that was?

24 A. During the summer of, I think it was
25 '97.

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1 Q. Summer of '97?

2 A. I think it was. It may have been
3 the summer of '96, one of the two.

4 Q. Would it have been during the time
5 of the '97 foreclosure?

6 A. Yes.

7 Q. So it probably would have been the
8 summer of '97 then?

9 A. Yes.

10 Q. And what did Ms. Christian say to
11 you when she came to your house, if you
12 recall?

13 A. She stated that there was a way that
14 she could get me out of foreclosure.

15 Q. Did she talk to you anymore than
16 that?

17 A. She just told me that she had a
18 partner that would, she would bring to see me.

19 Q. Then what happened next?

20 A. She came twice. The second time,
21 the third time she came, she brought her
22 partner with her.

23 Q. What happened the second time she
24 came?

25 A. She just kept talking to me about

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1 the foreclosure.

2 Q. What was she saying?

3 A. How that her partner had just had a
4 stroke and she was going to bring him by.

5 Q. And did she come by a third time?

6 A. I believe she did with him, with her
7 partner.

8 Q. Who was her partner?

9 A. John Marfisi.

10 Q. And did you talk with Mr. Marfisi
11 and Ms. Christian at that time?

12 A. Yes.

13 Q. And what did you two talk about or
14 three talk about?

15 A. They was telling me how to go about,
16 that I could continue to live in the house and
17 that I would just, I would pay rent and after
18 so long I would be able to buy the house back.

19 Q. So they talked to you about them
20 purchasing the house or someone purchasing the
21 house and then leasing it back to you?

22 A. Yes.

23 Q. Did they say they would purchase the
24 house?

25 A. No.

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1 Q. Did they say who would purchase the
2 house?

3 A. They mentioned Bigelow's name.

4 Q. You remember that at that time?

5 A. Yes.

6 Q. Yet you can't remember the contents
7 of a letter that you received six months ago?

8 A. Yes.

9 Q. So did Ms. Christian or Mr. Marfisi
10 come back to your place?

11 A. Marfisi came back.

12 Q. When did Marfisi come back?

13 A. I don't know exactly how many weeks
14 or months it was before he came back.

15 Q. So it could have been months before
16 Marfisi came back?

17 A. It could have been, it was weeks, I
18 don't remember exactly how many weeks it was
19 when he came back.

20 Q. Were there any papers signed at the
21 first meeting with Ms. Christian?

22 A. Like, I didn't sign any papers for
23 her at all.

24 Q. Were there any papers signed at the
25 second meeting?

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